



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

*HN*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/495,733    02/01/00    SCHOENE

K    ESPD:171

EXAMINER
----------

QM12/0327

MARK L GLEASON  
HOWREY SIMON ARNOLD & WHITE LLP  
750 BERIN DRIVE  
HOUSTON TX 77057-2198

DEXTER, C ART UNIT	PAPER NUMBER
-----------------------	--------------

3724  
DATE MAILED:

03/27/01

*6*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/495,733

Applicant(s)

Schoene

Examiner  
Clark F. Dexter

Group Art Unit  
3724



☒ Responsive to communication(s) filed on Jan 16, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1 and 5-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1 and 5-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3724

## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of group II (claims 1 and 5-11) in the response filed January 16, 2001 (paper no. 5) is acknowledged. The traversal is on the ground(s) that at least the restriction of claims 12 and 13 is improper, particularly because group III (which includes claims 12 and 13) is not independent and distinct from group I. This is not found persuasive because for the following reasons. First, applicant has not elected either of groups I or III so applicant's point is moot at this time. Second, group I does not require the particular features of group III (e.g., the handle formed in the first table) for patentability and group III does not require the particular features of group I (e.g., wherein the rails are rip fence rails rigidly mounted to the second table) for patentability.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

2. The drawings are objected to because of the following informalities:

In Figure 11, the numeral indicating the feature between pins 85 and 86 is not clearly shown.

Art Unit: 3724

In Figure 15, the numerals in the lower left portion of the figure (below numeral 4) are not clearly shown.

Appropriate correction is required.

### *Abstract*

4. The abstract of the disclosure is objected to because of the following informalities:

In line 2, ✓“and” should read --an--, and “is provided” is improper and should be deleted; in line 3, ✓“also a rip fence” is awkwardly worded and unclear; in line 4, ✓it seems that --further-- should be inserted before “includes”; in line 5, ✓it seems that --further-- should be inserted before “includes”.. Appropriate correction is required. See MPEP § 608.01(b).

### *Specification*

5. The disclosure is objected to because of the following informalities:

On page 8, line 12, ✓it is not clear as to what the “hole” and the “slot” refer, and it is suggested to insert a numeral or --(not shown)-- after each term for clarity; in line 21, ✓it seems that “extending” should read --extended-- for clarity.

On page 9, line 9, ✓“a bumpers” is improper.

On page 11, line 5, ✓it seems that a word (e.g., --at--) is missing before “one”.

On page 13, line 18, ✓“counting” appears to be inaccurate, and it seems that it should read --mounting--.

Art Unit: 3724

On page 14, line 11, "fist" is inaccurate, and it seems that it should read --first--.

On page 16, line 18, it seems that "blade" should read --blades--; in the sentence extending from line 22 to line 1 of page 17, "tips of the blades 187" is inaccurate and it seems that --187-- should be inserted in line 22 after "tips", and on page 17, line 1, "187" should be changed to --184-- for clarity.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. Claims 1 and 5-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 5-6, the recitation "the first ends slidably mounted to the first table" is vague and indefinite and appears to be inaccurate, particularly since it appears that both the first and second tables are mounted, at least in some positions, to the same end, and it is suggested in line 5 to change "the first ends" to --wherein the rails are--, and in line 6 to insert --are-- after "second ends" or the like.

In claim 6, line 2, "a first surface" lacks structural cooperation (e.g., a first surface of what?).

In claim 8, line 2, the recitation "first and second rails" is vague and indefinite as to whether it refers to those previously set forth or to other such rails.

Art Unit: 3724

In claim 11, line 2, "a second surface" lacks structural cooperation (e.g., a second surface of what?).

***Prior Art***

7. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



**Clark F. Dexter  
Primary Examiner  
Art Unit 3724**

cf  
March 26, 2001